

Message Text

CONFIDENTIAL

PAGE 01 MONTEV 02726 242314Z

60

ACTION ARA-20

INFO OCT-01 ISO-00 ABF-01 L-03 SS-20 PM-07 A-01 IGA-02

RSC-01 DRC-01 SSO-00 /057 W
----- 003322

O 241550Z SEP 74

FM AMEMBASSY MONTEVIDEO

TO SECSTATE WASHDC IMMEDIATE 7362

C O N F I D E N T I A L MONTEVIDEO 2726

STADIS////////////////////////////////////

E.O. 11652: GDS

TAGS: PGOV PINS UY

SUBJ: GAO REVIEW; U.S. ASSISTANCE TO FOREIGN COUNTRIES IN
SUPPORT OF POLICE ORGANIZATIONS, LAW ENFORCEMENT AND PUBLIC SAFETY

REFS: (A) ARA/APU-CHARGE TELECON OF SEPT 24

(B) MVD 2665

AS REQUESTED BY REF A, THERE FOLLOW QUESTIONS POSED BY
GAO TEAM AND EMBASSY'S PROPOSED RESPONSES THERETO:

1. WHAT IS THE GOVERNMENT OF URUGUAY'S DEFINITION OF
POLITICAL PRISONERS? WE DOUBT AND HAVE NO INFORMATION
TO INDICATE THAT THE GOVERNMENT OF URUGUAY HAS DEFINED
THE TERM POLITICAL PRISONER. URUGUAYAN AUTHORITIES,
INCLUDING A RECENT MINISTER OF INTERIOR, EMPHATICALLY
DENY THAT THEY HOLD POLITICAL PRISONERS. THE STATE
PUBLICLY AND ALSO PRIVATELY TO US THAT ALL PRISONERS
UNDER DETENTION ARE BEING HELD FOR SPECIFIC ILLEGAL ACTS
AS SET FORTH IN EXISTING LAWS AND DECREES, ANT NOT FOR
ANY BELIEFS THEY MIGHT HOLD.

NOTE: QUESTIONS WHICH FOLLOW, AS THEY WERE POSED AND GIVEN
TO US, PRESUME THAT THERE ARE POLITICAL PRISONERS IN URUGUAY.
UNDER A STRICT DEFINITION OF THE TERM, ONE HELD SOLELY BECAUSE
OF HIS BELIEFS, THE GOU PROBABLY COULD MAKE A GOOD CASE FOR
THE CONTENTION THAT IT HOLDS NO POLITICAL PRISONERS. HOWEVER,
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MONTEV 02726 242314Z

A BROADER DEFINITION HAS BEEN APPLIED BY OTHER GROUPS SUCH

AS THE SYMBIONESE LIBERATION ARMY, THE BLACK PANTHERS, ET AL., WHO HOLD THAT THEIR SYMPATHIZERS WHO ARE INCARCERATED IN US OF OTHER PRISONS ARE POLITICAL PRISONERS BECAUSE THEY ARE HELD FOR ACTS, WHICH ALTHOUGH ILLEGAL, ARE POLITICALLY MOTIVATED AND THUS (IN THEIR LOGIC) JUSTIFIED.

2. UNDER WHAT GOU STATUTES OR DECREES ARE POLITICAL PRISONERS PROSECUTED AND FOR WHAT SPECIFIC ACTS? THE CONGRESS, IN JULY 1972, APPROVED A NATIONAL SECURITY LAW WHICH TRANSFERRED JURISDICTION FOR SECURITY VIOLATIONS FROM CIVIL TO MILITARY COURTS. INASMUCH AS MILITARY COURTS DO NOT MAKE THEIR PROCEEDINGS PUBLIC, NO BREAKDOWN ON THE CRIMES FOR WHICH PEOPLE ARE PROSECUTED IS AVAILABLE.

JUDGING FROM MEDIA REPORTS ON THOSE WANTED BY THE AUTHORITIES, MANY SUBVERSIVES ARE SOUGHT AND, THEREFORE, PRESUMABLY PROSECUTED, FOR "SUBVERSIVE ASSOCIATION" UNDER THE NATIONAL SECURITY LAW. THE SAME LAW RETAINED "ATTACK AGAINST THE CONSTITUTION" AS A SECURITY OFFENSE. CONVICTION UNDER THIS ARTICLE PLACES A VERY STRICT BURDEN OF PROOF ON THE GOVERNMENT. ALSO INCLUDED IN THE LAW, BUT SELDOM USED IS AN ARTICLE DUBBED THE "DEATH SQUAD ARTICLE". IT MAKES TAKING THE LAW INTO ONE'S OWN HANDS A CRIMINAL OFFENSE.

WE BELIEVE THAT THE SECURITY LAWS HAVE BEEN APPLIED PRIMARILY TO THE MLN-TUPAMAROS WHO HAVE BEEN CONVICTED OR WHO ARE BELIEVED TO HAVE COMMITTED THE STANDARD TERRORIST ACTIVITIES INCLUDING, INTER ALIA, MURDER, KIDNAPPING, ASSAULT, ARMED ROBBERY AND ARSON. ARREST ARE ALSO MADE UNDER THE SUBVERSIVE ASSOCIATION ARTICLE AND CONVICTIONS SOUGHT EITHER UNDER THAT ARTICLE FOR KNOWN TUPAMAROS AND/OR THEIR ASSOCIATES OR FOR SPECIFIC TERRORIST ACTS WHICH ARE ADMITTED OR PROVEN FOLLOWING QUESTIONING AND/OR INVESTIGATION.

3. AT THE PRESENT TIME, HOW MANY POLITICAL PRISONERS ARE THERE IN URUGUAY AND WITH WHAT OFFENSES ARE THEY CHARGED?

AS STATED ABOVE THE GOU WOULD DENY THAT THERE ARE ANY POLITICAL PRISONERS IN URUGUAY. WE BELIEVE THAT THERE ARE FOUR PERSONS WHO COULD FALL UNDER THE CATEGORY OF POLITICAL
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 MONTEV 02726 242314Z

PRISONERS, THE FORMER PRESIDENTIAL CANDIDATE OF A LEFTIST POLITICAL COALITION AND TWO OF HIS CLOSE ASSOCIATES, AND THE HEAD OF THE COMMUNIST PARTY OF URUGUAY.

SIX MONTHS AGO, WE INVESTIGATED THE MATTER OF PRISONERS AND ESTIMATED THAT SOME 2,500 TO 3,000 ALLEGED TUPAMAROS WERE BEING HELD IN VARIOUS DETENTION FACILITIES. THAT WAS A ROUGH ESTIMATE. AS PEOPLE FINISH THEIR TERMS THEY ARE

RELEASED AND WE ASSUME THAT THE NUMBER HAS DROPPED AS RELEASES PROBABLY EXCEED ARRESTS NOW.

THE VAST MAJORITY OF THESE PRISONERS ARE CHARGED AS STATED IN THE RESPONSE TO QUESTION 2 ABOVE. THE THREE FORMER MEMBERS OF THE LEFTIST COALITION, ALL RETIRED MILITARY OFFICERS, WERE ARRESTED FOR THEIR SUPPOSED ROLE IN FOSTERING THE JULY 9, 1973 RIOTS AND FOR VIOLATION OF THE MILITARY CODE. THE HEAD OF THE COMMUNIST PARTY WAS ARRESTED ALONG WITH SEVERAL OTHER PARTY MEMBERS. ALL BUT HE WERE PROMPTLY RELEASED. HOWEVER, HE WAS CARRYING FALSE DOCUMENTS AND WAS PROCESSED AS A RESULT.

4. IS ANY DOCUMENTATION AVAILABLE AS TO HOW POLITICAL PRISONERS ARE TREATED WHILE THEY ARE INCARCERATED?

THERE IS NO DOCUMENTATION AVAILABLE FROM LOCAL SOURCES ON TREATMENT OF PRISONERS. THE INTERNATIONAL COMMISSION OF JURISTS AND AMNESTY INTERNATIONAL SENT A TEAM TO URUGUAY IN APRIL 1974. THE TEAM PREPARED A REPORT ON ITS FINDINGS, WHICH INCLUDED A SECTION ON MISTREATMENT OF PRISONERS. THE REPORT WAS PRESENTED TO THE PRESIDENT OF URUGUAY AND TO THE UNITED NATIONS. ITS FINDINGS HAVE NOT BEEN MADE PUBLIC IN URUGUAY. WE ARE TOLD THAT THE GOVERNMENT IS NOW PREPARING A RESPONSE TO THE REPORT.

5. MAY WE OBTAIN A LIST OF ALL GOU PRISONS, JAILS AND DETENTION CENTERS SHOWING LOCATION, CURRENT INMATE POPULATION, AND TYPE?

SEE ATTACHED. THE NUMBERS GIVEN UNDER PRISON POPULATION FOR CERTAIN SPECIFIED INSTITUTIONS SHOULD NOT BE CONSTRUED AS INDICATING THAT ALL ARE "POLITICAL PRISONERS."
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 MONTEV 02726 242314Z

6. WHAT ASSISTANCE HAS THE GOUS PROVIDED TO THE GOU PRISON SYSTEM?

NONE.

7. DOES THE AMERICAN EMBASSY IN MONTEVIDEO RECEIVE MANY COMPLAINTS, ALLEGATIONS OR OTHER COMMUNICATIONS RELATIVE TO THE POLITICAL PRISONER ISSUE AND HOW ARE SUCH COMMUNICATIONS HANDLED?

THE EMBASSY HAS RECEIVED ONE COMMUNICATIONS RELATIVE TO THE POLITICAL PRISONER ISSUE DURING THE PAST 14 MONTHS, A LETTER FROM A LAWYER IN NEW ORLEANS INQUIRING ABOUT AN URUGUAYAN FRIEND HE HAD

HEARD HAD BEEN ARRESTED. THE POLITICAL OFFICER SPOKE WITH THE LAWYER'S URUGUAYAN FRIEND WHO STATED HE WAS FREE, FINE AND BUSY AND SIMPLY HAD NOT HAD TIME TO WRITE TO HIS FRIEND IN NEW ORLEANS. THE POLITICAL OFFICER WROTE TO THE LAWYER TO PASS ON THE INFORMATION.

B. WITH RESPECT TO QUESTION 5 ABOVE, THE TABLE WE HAVE DRAWN UP IN RESPONSE LISTS SEVEN PENAL INSTITUTIONS GIVING NAME, LOCATION, AND ESTIMATED INMATE POPULATION. LATTER SHOWS TOTAL OF 4,115. FOOTNOTE TO TABLE READS AS FOLLOWS: WITH THE EXCEPTION OF THREE MILITARY INSTITUTIONS UNDER JURISDICTION OF THE MINISTRY OF DEFENSE ALL PRISONS

ARE UNDER JURISDICTION OF THE MINISTRY OF INTERIOR. IN ADDITION TO THE PRISONS LISTED, THERE ARE POLICE LOCK UPS IN ALL PROVINCIAL CAPITALS AND BRIGS IN MANY MILITARY POSTS. THE FORMER HAVE A LOW INMATE POPULATION AND HEAFY TURNOVER AND INFORMATION ON THE LATTER, OTHER THAN THEIR EXISTENCE, IS NOT AVAILABLE. THERE IS ALSO, IN MONTEVIDEO, A SMALL POLICE PRISON FOR POLICE OFFICIALS WHO COMMIT CRIMES THEMSELVES. THEY ARE JAILED SEPARATELY TO PREVENT MISING THEM WITH PRISONERS THEY MIGHT HAVE ARRESTED AND WHO MIGHT SEEK REVENGE.

HAAHR

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICE FORCES, FOREIGN ASSISTANCE, POLITICAL PRISONERS, GAO AUDITS
Control Number: n/a
Copy: SINGLE
Draft Date: 24 SEP 1974
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: izenbei0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974MONTEV02726
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740269-0090
From: MONTEVIDEO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740919/aaaaapym.tel
Line Count: 191
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: STADIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: STADIS
Reference: (A) ARA/APU-CHARGE TELECON OF SEPT 2, 4
Review Action: RELEASED, APPROVED
Review Authority: izenbei0
Review Comment: n/a
Review Content Flags:
Review Date: 23 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <23 SEP 2002 by kellew0>; APPROVED <03 MAR 2003 by izenbei0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: GAO REVIEW; U.S. ASSISTANCE TO FOREIGN COUNTRIES IN SUPPORT OF POLICE ORGANIZATIONS, LAW ENFORCEMENT AND PUBLIC SAFETY
TAGS: PGOV, PINS, PORS, UY, US, GAO
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005